



THE ATTORNEY GENERAL  
OF TEXAS

JOHN M. HENRICH  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

September 24, 1976

The Honorable Wilson E. Speir  
Director

Texas Department of Public Safety  
5805 N. Lamar Boulevard  
Austin, Texas 78773

Open Records Decision No.144

Re: Does the Open Records  
Act require disclosure  
of conviction information  
from files of Department  
of Public Safety.

Dear Col. Speir:

You have received a request to provide information from your files concerning convictions of persons since they were pardoned. The requestor supplied a list of approximately 650 names with a Texas Department of Corrections identification number and the date the person was pardoned.

You ask whether this information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act, article 6252-17a, V.T.C.S., which excepts

records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement.

The information requested is available from your files or from information exchange systems to which you have access in the form of personal history and arrest records or "rap sheets."

Personal history and arrest records, which may include conviction information, have been held to be excepted from required public disclosure by section 3(a)(8) of the Act.

The Honorable Wilson E. Speir - page two

Houston Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177, 188 (Tex. Civ. App. -- Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. Sup. 1976); Open Records Decision No. 127 (1976) at 6.

The requesting party makes clear that the request is only for information concerning convictions, and does not extend to any information concerning arrests not resulting in prosecution or conviction. He notes that the information concerning convictions is public and available in the court records throughout Texas. He states that he is "seeking them from the Department of Public Safety because it is a central point of access for the information."

We have held that the Department of Public Safety may provide criminal history record information to certain state agencies to assist them in their licensing responsibilities, subject to applicable federal law and regulations. Attorney General Opinion H-683 (1975). Current federal regulations do not restrict a law enforcement agency's dissemination of its own conviction information [28 C.F.R. § 20.21(b)(4), as amended (1975); 41 Fed. Reg. 11714, 11715 (March 19, 1976)]; however, dissemination of criminal history record information, including convictions, from Department of Justice criminal history information systems (e.g. N.C.I.C.) is not permitted. 28 C.F.R. §§ 20.30, 20.33 (1975). In our Opinion H-683 we recognized, but did not decide, the issue of whether the public nature of conviction information when held by the court clerk of a particular court is transformed by virtue of the compilation of it in a centralized and vastly more accessible form. It is not necessary to decide this question here, except to say that even though conviction information may be a matter of public record where the conviction occurred, the Open Records Act does not require a law enforcement agency to search its records and notations to disclose that conviction information in response to an inquiry by a member of the public or press.

The information requested is excepted from required public disclosure by section 3(a)(8) of the Act.

Very truly yours,

  
JOHN L. HILL

Attorney General of Texas